

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Right to Privacy in the School Setting Act
5 is amended by changing Sections 10 and 15 as follows:

6 (105 ILCS 75/10)

7 Sec. 10. Prohibited inquiry.

8 (a) It is unlawful for a post-secondary school to request
9 or require a student or his or her parent or guardian to
10 provide a password or other related account information in
11 order to gain access to the student's account or profile on a
12 social networking website or to demand access in any manner to
13 a student's account or profile on a social networking website.

14 (b) Nothing in this Section limits a post-secondary
15 school's right to do the following:

16 (1) promulgate and maintain lawful school policies
17 governing the use of the post-secondary school's
18 electronic equipment, including policies regarding
19 Internet use, social networking website use, and
20 electronic mail use; and

21 (2) monitor usage of the post-secondary school's
22 electronic equipment and the post-secondary school's
23 electronic mail without requesting or requiring a student

1 to provide a password or other related account information
2 in order to gain access to the student's account or profile
3 on a social networking website.

4 (c) Nothing in this Section prohibits a post-secondary
5 school from obtaining information about a student that is in
6 the public domain or that is otherwise obtained in compliance
7 with this Act.

8 (d) This Section does not apply when a post-secondary
9 school has reasonable cause to believe that a student's account
10 on a social networking website contains evidence that the
11 student has violated a school disciplinary rule or policy. A
12 post-secondary school does not have reasonable cause unless a
13 victim or concerned party, such as a parent or guardian, has
14 filed a complaint with the school or school personnel have
15 observed cyber-bullying taking place.

16 (Source: P.A. 98-129, eff. 1-1-14.)

17 (105 ILCS 75/15)

18 Sec. 15. Notification. An elementary or secondary school
19 must provide notification to the student and his or her parent
20 or guardian that the elementary or secondary school may not
21 request or require a student to provide a password or other
22 related account information in order to gain access to the
23 student's account or profile on a social networking website,
24 unless a victim or concerned party, such as a parent or
25 guardian, reports to school officials or school personnel have

1 observed cyber-bullying taking place ~~if the elementary or~~
2 ~~secondary school has reasonable cause to believe that the~~
3 ~~student's account on a social networking website contains~~
4 ~~evidence that the student has violated a school disciplinary~~
5 ~~rule or policy.~~ The notification must be published in the
6 elementary or secondary school's disciplinary rules, policies,
7 or handbook or communicated by similar means.

8 (Source: P.A. 98-129, eff. 1-1-14.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.